

## Bidder Responsibility and Eligibility

### Problem:

The tools of bidder responsibility and subcontractor eligibility are often misused, misinterpreted or misapplied. There are some elements of the statutes that may need to be revised, but it is apparent that owners and perhaps GCCM's need to be trained on how to more effectively use the tools.

### Responsibility

- Too specific criteria, unnecessarily restricting or discouraging bidders or even disqualifying appropriate contractors
  - Example: must have installed 12,000 feet of 4" pipe in a trench
  - Example: provide names of laborers who will do specific work
- Responsibility guidelines available on CPARB website are not reviewed
- Criteria do not match the project or are overly restrictive
- No readily available experts in many trades to help sort out reasonable criteria
- Vague or subjective criteria allowing unreasonable disqualification

### Eligibility

- Cases where it is being stretched to be a selection process, not just eligibility
- Being applied to subcontracts that are small unnecessarily putting a burden on subcontractors
- GCCMs must publish all data not just make available criteria ( may require statute revision)
- Responses are overly expensive for subcontractors to complete versus the benefit to the GCCM or owner
- An excess of subjective criteria
- Lack of predictability if firm will be determined eligible or not
- Lack of clarity on timing of protest and appeal actions ( may require statute revision)
- No criteria for evaluating subcontractors " financial resources"

### Action

- Public Owner training through CPARB and AGC Ed Fdn (how do we urge owners to take it?) Different for DOT, Buildings, APW?
- CPARB Task force
  - Evaluate problems and suggest appropriate statute revisions
  - Develop expert resources
  - Develop guidelines for Eligibility similar to Responsibility